

Legislative Assembly of Alberta



CANADIANA

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Parliamentary Procedure

Parliaments carry on their business according to both unwritten traditions and written rules. The traditions have been handed down for many years by parliaments in both Great Britain and Canada, and they are the foundation for the written rules, which are devised by each individual Assembly.

Principles of Procedure

The principles of parliamentary procedure are set down in Canadian parliamentary law. The Constitution requires that Canadian parliaments be similar in overall form to the British Parliament. Our Legislative Assembly resembles the British House of Commons in that the government — that is, the Premier and cabinet — is formed by the party having the support of the majority of elected members, while the opposition is made up of elected members from all other parties. The government introduces most of the Bills passed by the Assembly, while the opposition criticizes government policies, legislation, and spending and keeps them in the public eye. The government cannot remain in power unless it has the support of a majority in the Assembly.

This system can run smoothly only if two further principles are followed: that the government must be able to get its business done and opposition members must be given ample opportunity to express their views. The rules and traditions of parliamentary procedure are designed to balance these two considerations.

For example, on rare occasions, opposition members may debate a government Bill to the point of delaying its passage if they feel it does not serve the public good. This tactic is known as a **filibuster**; it gives the opposition extra time to try to put public pressure on the government. The government, in turn, can end the filibuster and thus get its business done by moving a motion to close debate. But **closure** is generally used only as a last resort; otherwise the government risks being seen as a bully, which could cost it public support.

The Constitution also calls for Canada's adoption of British parliamentary traditions. The most important of these is **parliamentary privilege**, meaning that members of an Assembly have certain privileges because they are members. They may, for example, write or change the rules of the Assembly. As well, they cannot be sued or prosecuted for what they say in the Assembly, even if they say something defamatory.

Members can raise a **question of privilege** if they feel their privileges are not being respected or that another member has abused his/her privileges; for example, by accusing a fellow member of doing something illegal. If the Speaker thinks a **breach of privilege** may have taken place, the Assembly may turn the matter over to a standing committee or take action itself.

Written Rules and Unwritten Traditions

Every day the Assembly meets at a specific time, business is carried on in a certain order, and members follow precise rules in

their debates. Meeting times, the order of business, and the rules of debate are contained in the **Standing Orders**, the written rules of the Legislative Assembly. The Assembly itself drafts the Standing Orders, and although all rules must follow accepted parliamentary practice, they can be written to suit the needs of a particular Assembly. Standing Orders cover most of the questions of procedure that might come up in the Assembly, and they are the main authority on managing its business.

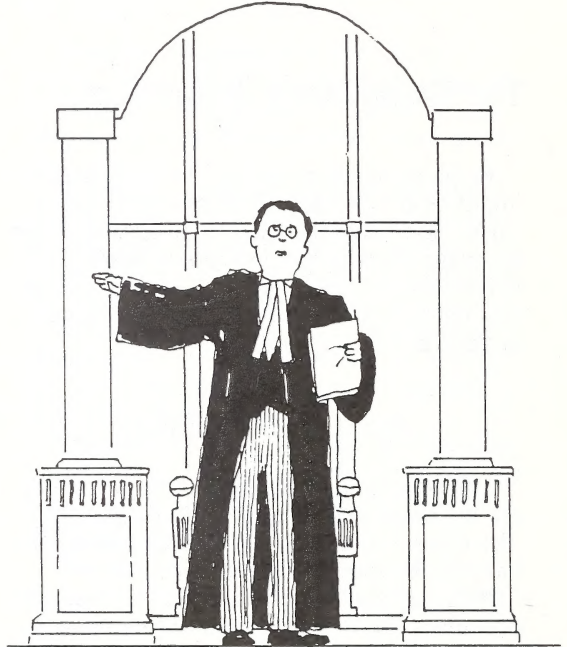
Just as vital to the way the Assembly works are the unwritten rules, based on the traditions, customs, and practices of Alberta's Legislative Assembly and the Canadian and British parliaments. These past practices are called **precedents**, and if a problem comes up in the Assembly that isn't covered in the Standing Orders, the Speaker may look to parliamentary precedents before making a ruling. Examples of precedents are collected in two books, *Beauchesne's Parliamentary Rules and Forms* and *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, which are used by members and by the Speaker every sitting day.

The Speaker's Rulings

The Speaker may rule a member out of order for breaking the Assembly's rules during debate or Oral Question Period or decide whether a member may have abused parliamentary privilege. Speakers' past rulings on these and other matters form the precedents that guide modern parliamentary practice.

But times change in parliaments as well as in everyday life, so the Speaker must interpret and apply the traditions of former Assemblies to today's circumstances. For example, it is a long-standing custom that members' language must not offend the dignity of the Legislative Assembly, but the meaning of "offensive" changes over the years and is different to different people. In 19th century Ottawa a member could not call another member "a bag of wind" or say that he was "talking twaddle," but such phrases are now old-fashioned and probably would not even be used. More recently, Alberta Speakers have

ruled that a member may not call a fellow member a "card-carrying Communist," a "flunky," or "underhanded," while members in the House of Commons have been permitted to use descriptions such as "black sheep," "coward," or "hypocrite." The use or misuse of language is only one of many instances in which the Speaker must interpret and apply traditions of parliamentary procedure to today's Assembly.



Speakers rise to make rulings every sitting day. These may range from reminders to members not to speak out of turn, to dealing with complicated questions of parliamentary privilege. Each ruling is based on the procedural rules and traditions of past parliaments, and each, in turn, may influence how future Speakers interpret the rules of procedure.

Because Speakers' rulings are based on both historic and current practices and because Standing Orders are adapted to individual Assemblies, parliamentary procedure is dynamic rather than rigid, keeping its ties to the past yet working effectively in the present. The traditional principles of procedure are maintained even though specific rules and their interpretations are always changing.